



Allegheny County Courthouse Proposed Expansion

Special Called Meeting of the Allegheny County Commissioners

Thursday, November 9, 2017

3:30 pm

Goals for Today

- ▶ Describe the possible need for an addition to the courthouse
- ▶ Describe ways to pay for it
- ▶ Provide information to the citizens and Commissioners

Not on Today's Agenda

Making any preliminary or final decisions on the project

Influencing public opinion in any way

Background Information

- ▶ In February some of our district judges requested the County study the possibility of adding a new courtroom to replace the basement courtroom
- ▶ During the process, we decided to compile a complete list of all issues/shortcomings/needs at the courthouse
- ▶ The County Commissioners will decide at some point in the future whether we can address all, some or none of these issues (but not today)

How Did We Get Here?

- ▶ 2/24/2017 - Judges met with County officials and requested we study potential need for new courtroom
- ▶ 3/14/2017 - Architect Frank Randle visited courthouse to provide estimate for his services
- ▶ 4/17/2017 - Commissioners appropriated **\$5,900** for Hemphill-Randle Associates to provide initial assessments of courthouse
- ▶ 6/6/2017 - Architect met with Judges and County officials to begin design of possible expansion
- ▶ 9/19/2017 - Committee met again to review first draft of plans
- ▶ 10/10/2017 - Judges approved preliminary plans; Commissioners received preliminary cost estimate

only \$\$ spent so far

NC General Statute 7A-302

- ▶ “In each county in which a district court has been established, **courtrooms, office space** for juvenile court counselors and support staff as assigned by the Division of Juvenile Justice of the Department of Public Safety, and **related judicial facilities (including furniture)**, as defined in this Subchapter, **shall be provided by the county**.... To assist a county or municipality in meeting the expense of providing courtrooms and related judicial facilities, a part of the costs of court, known as the "facilities fee," collected for the State by the clerk of superior court, shall be remitted to the county or municipality providing the facilities.”

Example of Court Facilities

- ▶ Courtroom(s)
- ▶ Office space
- ▶ Storage space
- ▶ Furniture
- ▶ Parking
 - ▶ Judges
 - ▶ Clerk of Court and Staff
 - ▶ Magistrates
 - ▶ District Attorneys
- ▶ Cleaning and maintenance of courthouse



Providing Court Facilities

- ▶ If court officials deem facilities to be “inadequate” court officials can informally request improvements from the County
- ▶ If County fails to take action, the court can order the County to make the requested improvements
- ▶ The Administrative Officer of the Court can forbid the use of any facility determined to be “inadequate”
- ▶ There has been no indication from the judges that the situation will be escalated

Alleghany County Courthouse

- ▶ Added to National Register of Historic Places on May 10, 1979



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What is the National Register of Historic Places (NRHP)?

A list of properties that have been determined by the State Historic Preservation Officer and the National Park Service to be significant to the history of the United States at a local, state, or national level.

The National Register is:



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- ▶ Buildings
- ▶ Structures
- ▶ Sites (archaeological)
- ▶ Districts
- ▶ Objects

Information provided by NC State
Historic Preservation Office

Courthouse Usage

How busy are the court facilities?

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District Court

- ▶ Generally held every Tuesday and some Fridays
- ▶ Special sessions can be called at any time
- ▶ 158 sessions of District Court have been held from 1/2016 through 10/2017
- ▶ Between 1.5 and 2.0 sessions per week on average
- ▶ Usually well over 100 cases are heard in each session
 - ▶ Civil cases < \$30,000
 - ▶ Misdemeanor criminal cases
 - ▶ Traffic court
 - ▶ Child custody/child welfare/Social Services
 - ▶ Divorce

Superior Court

- ▶ Generally held in March, April and October
- ▶ Special sessions can be called at any time
- ▶ 77 sessions of Superior Court have been held from 1/2016 through 10/2017
- ▶ About 1 session per week on average
- ▶ Types of cases heard
 - ▶ Civil cases > \$30,000
 - ▶ Felony criminal cases
 - ▶ Appeals from District Court

Department of Social Services

- ▶ We currently have 37 children in foster care
- ▶ We had half as many this time last year
- ▶ Each foster child case requires 5 to 10 separate court appearances by DSS employees
 - ▶ Possibly more if the child is in our care long term
- ▶ Each child support enforcement action requires a minimum of 2 to 3 court appearances by DSS employees

Other Uses of Court Facilities

- ▶ Arbitration hearings
- ▶ Mediation
- ▶ Foreclosure sales
- ▶ Public officials' oaths of office
- ▶ Special events
(such as recent Court of Appeals)



Court Conflicts

- ▶ Multiple court sessions on same day have occurred 31 times in the last 22 months
- ▶ About 1.5 times per month
- ▶ The basement courtroom was not necessarily used each time

FAQ - Can we solve the problem solely through scheduling?

Our 4 county region is covered by:

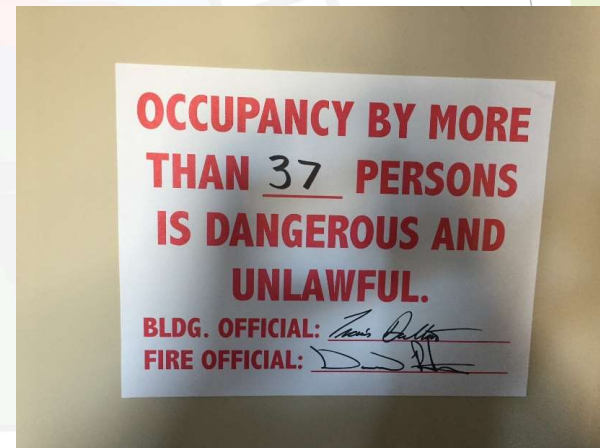
- ▶ 1 District Attorney and 8 Assistant District Attorneys
- ▶ 4 District Court Judges
- ▶ 1 Superior Court Judge
 - ▶ Superior Court territory has larger geographic footprint
- ▶ Scheduling court dockets can be quite difficult
- ▶ Trials may run longer than expected
- ▶ Attorneys may request continuances for various reasons

Current Superior Courtroom

- ▶ Approximately 1755 square feet + balcony
- ▶ Seating capacity of 144 + balcony
- ▶ Adjacent jury room and judge's chambers

Current Basement Courtroom

- ▶ Approximately 460 square feet
- ▶ Max occupancy of 37



Current Basement Courtroom Limitations/Concerns

- ▶ Seating capacity is insufficient
- ▶ No meeting rooms for litigants and attorneys
- ▶ No jury room or judge's chambers
- ▶ 90 sf foyer is way too small for parties to enter and exit quickly
- ▶ Several attorneys refuse to try cases in this courtroom

Current Basement Courtroom Limitations/Concerns

- ▶ Accused and accuser are within arms' reach of each other
- ▶ Cannot park inmates close to door for loading and unloading
- ▶ Only accessible from outside the building
 - ▶ Parties may have to wait outside the building for their case to be heard
- ▶ Basement walls sometimes let in water

Current Basement Courtroom Limitations/Concerns



Other Limitations/Concerns of Current Courthouse

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Other Courthouse Limitations/Concerns

- ▶ Front foyer security
- ▶ Lack of access to one set of stairs
- ▶ Current Superior courtroom lacks full ADA compliance
- ▶ Back elevator (for inmates and court staff) not ADA compliant
- ▶ No vehicular sally port for inmate loading and unloading

Front Foyer Security

- ▶ Beautiful columns and monuments limit visibility to outside
- ▶ Deputy is very close to the front door
- ▶ No security glass
- ▶ Foyer was not designed to have a metal detector



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Why Is That Important?

Warning - The next slide deals with scary stuff

Please prepare yourself



Courthouse Violence Can Happen Anywhere

- ▶ “Two bailiffs killed in shooting at Michigan courthouse, sheriff's deputy shot, gunman dead”
 - ▶ St. Joseph, MI, July, 2016
- ▶ “Woman shot at Sanford courthouse; ex-husband arrested”
 - ▶ Sanford, NC, June, 2016
- ▶ “Defendant in drug case fatally shot outside Courthouse”
 - ▶ Canton, MS, August, 2015
- ▶ “Forsyth deputy shot; suspect dead; courthouse evacuated”
 - ▶ Cumming, GA, June, 2014

Front Foyer Security -- Solution

- ▶ Public entrance relocated to addition
- ▶ Entry vestibule with clear safety glass
- ▶ Deputy located outside vestibule
- ▶ Much better sight lines for deputy and passers by
- ▶ Citizens entering courthouse should move through security faster

Lack of Access to Stairs

- ▶ Oversized metal detector (or undersized foyer) requires our blocking one set of stairs to comply with fire code
 - ▶ Hallway is too narrow for emergency egress
- ▶ Moving public entrance to the new addition will enable us to re-open the second flight of stairs
- ▶ Metal detector will be removed from the “historic” portion of the courthouse

Lack of ADA Compliance

- ▶ Superior court room lacks ADA compliance for judges, jury and witnesses
 - ▶ Historical designation has exempted us from full compliance
 - ▶ Disabled jurors, witnesses and/or judges cannot be properly accommodated
- ▶ Current rear elevator for inmate transport is not ADA compliant
- ▶ New facilities will be fully compliant

Vehicular Sally Port

- ▶ Sally (Salle) ports control entry into correctional facilities or other secure locations
- ▶ It is simply an enclosure with 2 sets of doors controlled remotely
- ▶ A guard in a protected location controls the doors
- ▶ The sally port guard typically verifies that:
 - ▶ All people, vehicles, and materials possess valid permission to pass both doors before opening the second door
 - ▶ The first door is secured prior to opening the second door
 - ▶ After people, vehicles, and materials have passed both doors, the middle space is empty and both inner and outer doors are locked

Sally Port

National Center for State Courts recommends sally ports for prisoner transport.

“Persons held in pretrial detention and persons convicted and remanded to the custody of the state must be transported to and from the courthouse in a safe and secure manner. The courthouse should have a secure vehicular sally port for the secure transfer of in-custody persons to and from transport vehicles.”

Example of a sally port - Ours would be much less fancy



Sally Port

- ▶ Lack of vehicular sally port requires loading and unloading of inmates outside the building
- ▶ This is a security weakness
 - ▶ Possible interactions between accused and accuser
 - ▶ Deputies and jailers assisting inmates are more vulnerable to attack
 - ▶ Potential jurors viewing defendants leaving prisoner transport van may shape their opinions
- ▶ Proposed addition includes an enclosed vehicular sally port

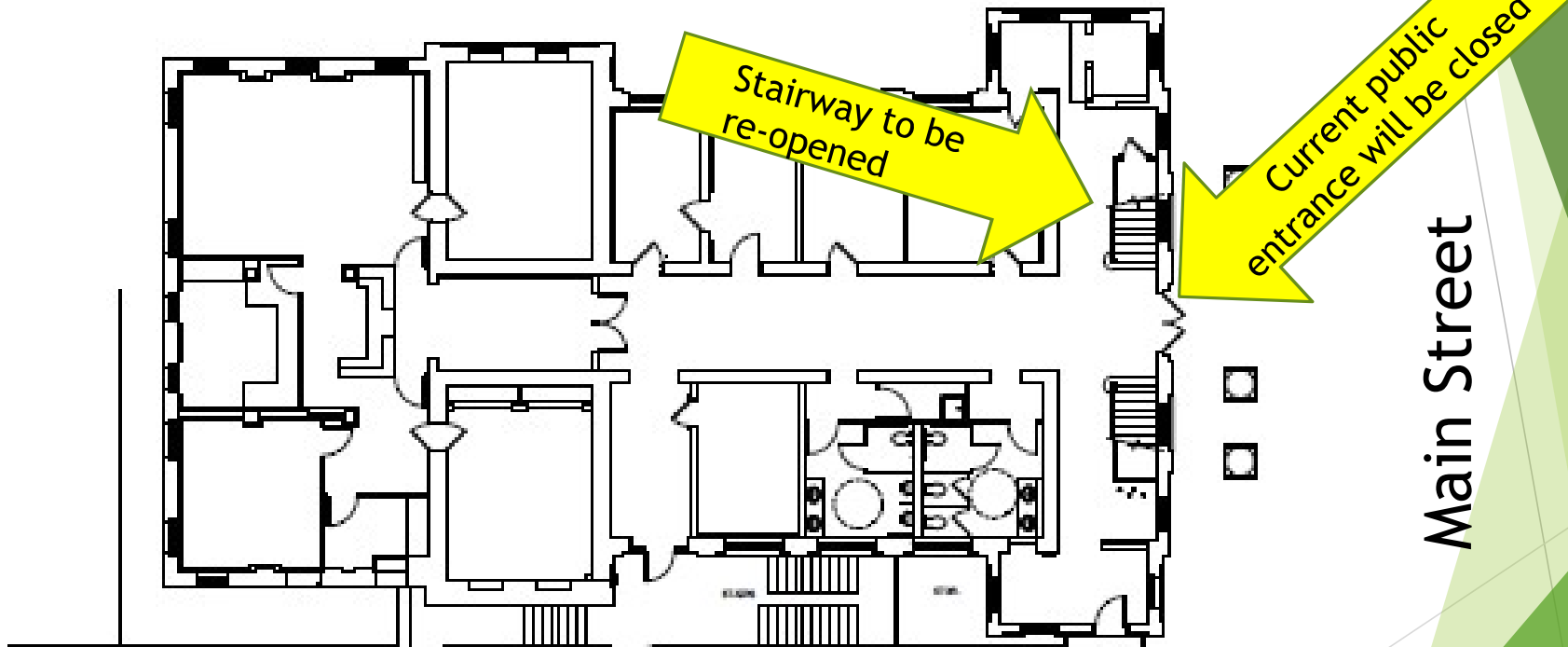


The Proposed Renovations

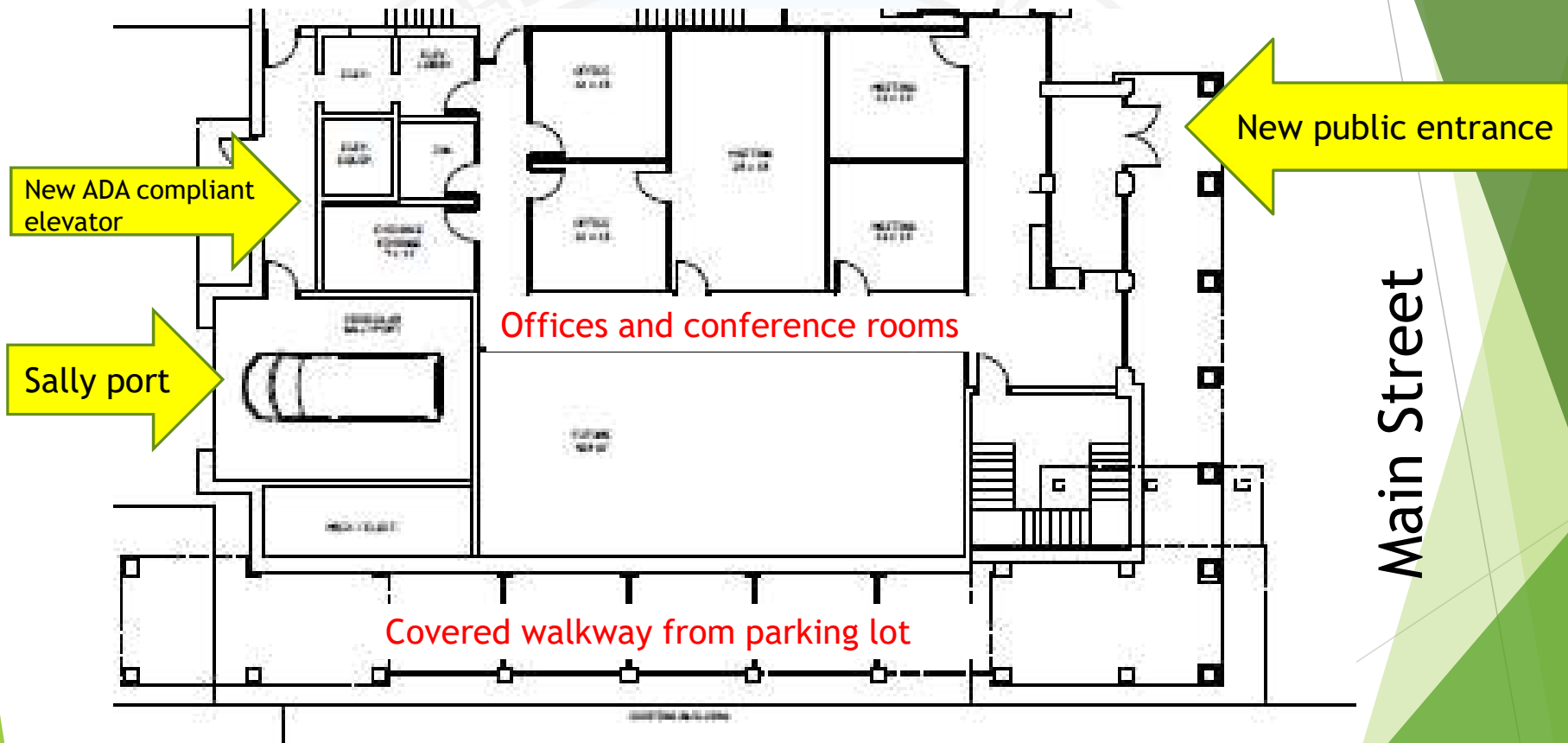
Review of preliminary architectural plans

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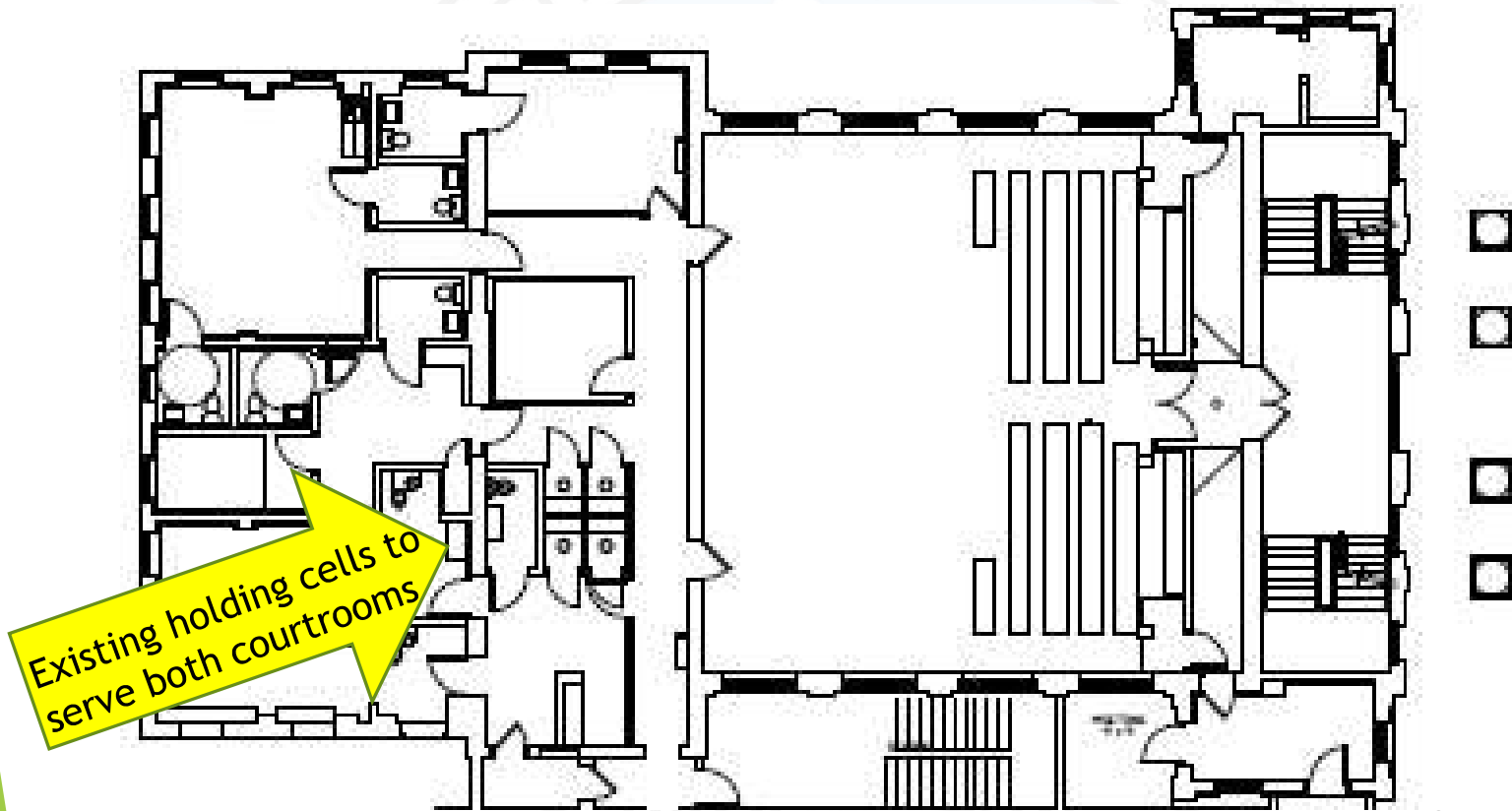
Current Downstairs



Proposed Addition Downstairs



Current Upstairs

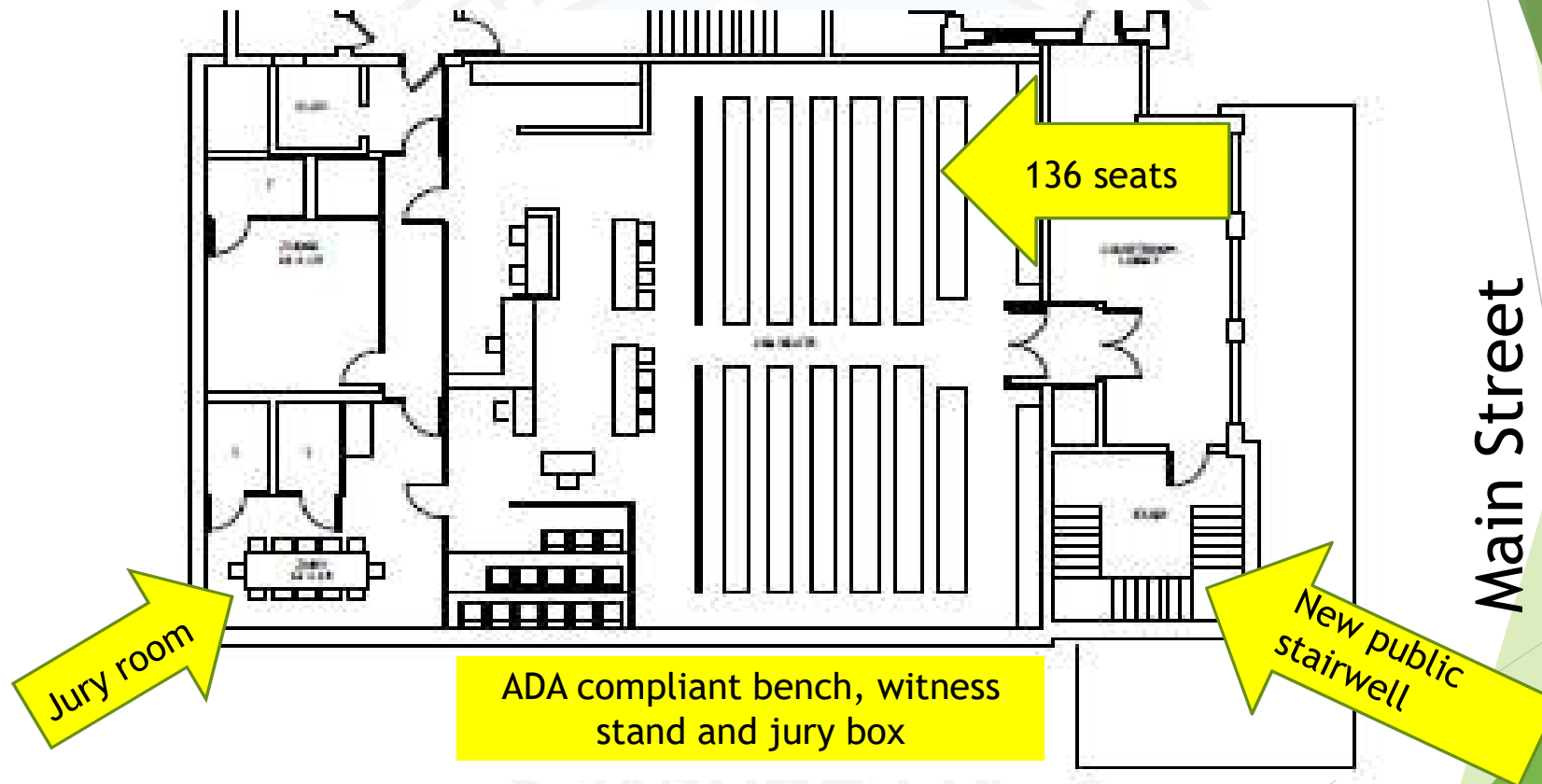


Allegheny County Courthouse Expansion Project



Main Street

Proposed Addition Upstairs



FAQ - Can we build on to an Historical Registry property?

- ▶ Yes
- ▶ Renovation or expansion DOES NOT require any federal or state approval unless federal or state dollars are used
- ▶ Renovation or expansion DOES require approval of the NC Historical Preservation Office (HPO) if federal or state dollars are used
 - ▶ USDA Rural Development money
 - ▶ Federal or state grants
 - ▶ ARC funds

NC General Statute 121-12(a)

State agency with direct or indirect authority to

- ▶ fund permit, license, or approve
- ▶ an undertaking
- ▶ that may affect a property listed in the National Register of Historic Places
- ▶ must offer the North Carolina Historical Commission the opportunity to review and comment upon the undertaking

If an “undertaking” affects a National Register property?

The agency should submit its plans to the HPO for review early in the planning process

Staff of the HPO and Office of State Archaeology review the proposed project to determine if a listed property or archaeological resources may be affected. If so, further consultation is necessary including:

- review of each phase of the design process
- the potential for archaeological survey and testing of previously undisturbed areas

The goal - to avoid adversely affecting historic properties

North Carolina
State Historic Preservation Office
Department of Natural and Cultural Resources
Office of Archives and History



Information provided by NC State
Historic Preservation Office

The NC Historical Commission

The Historical Commission meets **semi-annually** to consider any adverse effects to NRHP-listed properties and **offers its recommendations** on those undertakings.

The recommendations are **advisory** and may or may not be implemented by the State agency.

No action should be taken or state funds expended on the undertaking **until after the NCHC has met and made its recommendations.**



How do we pay for it?

How do we pay for it?

- ▶ Current financial situation
- ▶ Traditional bank financing
- ▶ USDA Rural Facilities Loan
- ▶ Optional \$0.0025 sales tax
- ▶ Other options
- ▶ Economic impact of project

Current Financial Situation

- ▶ Fiscal Year (FY) 17/18 General Fund Budget is \$17.5 million
- ▶ County has about \$7 million in long-term debt
- ▶ County just borrowed \$1,375,000 for Sparta School renovations (loan closed in October, 2017)
- ▶ FY 16/17 final accounting will show small surplus
- ▶ FY 17/18 budget projected shortfall of \$500,000

Current Financial Situation

- ▶ 2 loans pay off this budget year - totaling about \$100,000/year in payments
- ▶ The payment on the new School loan is about \$94,000/year - starts in October, 2018
- ▶ Any loan for this project will require Local Government Commission approval
- ▶ We will still be well below our statutory debt limit if we borrow this money

Current Financial Situation

- ▶ We are 12 years in to a 15 year loan from the previous courthouse renovation
- ▶ We currently owe approximately \$480,000 on that loan
- ▶ That is the only lien on the courthouse currently
- ▶ The existing balance could be refinanced as part of the transaction at a slightly lower rate
 - ▶ Would save about \$15,000 over the 3 remaining years
 - ▶ Would not be cost-effective to refinance that balance without the new loan

Traditional Bank Financing

Term	Annual Payment*	Property Tax Needed to Cover	Total Payback
15	\$380,000	\$0.02375	\$4.9 million
20	\$330,000	\$0.02063	\$5.35 million

*The annual payment decreases approximately \$7,000 each year as we pay down the principal. The payment listed is the first year's amount.

Loan terms based on quote provided by BB&T

Traditional bank financing will not
require Historical Preservation Office
review or approval.

USDA Rural Facilities

Term	Annual Payment*	Property Tax Needed to Cover	Total Payback
30	\$225,000	\$0.0141	\$6.5 million

- Closing costs will be much higher
 - Requires Phase I environmental report (\$10-15k)
 - Financial feasibility study (\$25-35k)
- Requires audited quarterly financial statements (extra expense to County)
- Requires State Historical Preservation Office review

Potential Tax Implications

- ▶ Current tax rate is \$0.5125 (13th lowest in State)
- ▶ Average real estate tax bill is \$596.00
- ▶ 2.5 cents increase in tax rate = \$29.00 increase to average tax bill
- ▶ New average real estate tax bill would be \$625.00
- ▶ Average motor vehicle tax bill is \$140.00
- ▶ 2.5 cents increase in tax rate = \$7.00 increase to average tax bill
- ▶ New average vehicle tax bill would be \$147.00
- ▶ These are “worst case” figures

Optional \$0.0025 Sales Tax

- ▶ Would generate approximately \$170,000 in annual revenue
- ▶ This is not enough, by itself, to cover the loan payments
- ▶ It would reduce some of the potential property tax burden
- ▶ Sales tax is paid in part by non-residents

Other Options

- ▶ Federal or State Grants
 - ▶ None identified as of yet
 - ▶ Very few grants currently available for “**routine local government operations**”
- ▶ Open to suggestions

Economic Impact of Project

- ▶ Local government construction projects have multiplier effects of around 1.0 to 1.2
- ▶ Meaning this project would have at least a **\$4,000,000** impact on the local and regional economy
 - ▶ Over 100 specialists and tradespeople will work on the project
 - ▶ Occupancy tax will increase
 - ▶ Local restaurants will benefit
 - ▶ Local vendors will benefit
- ▶ This may vary greatly depending on contractor selected

Looking into the Crystal Ball

Additional budget challenges for 2018/2019 and beyond

- Continue replacing aging equipment and vehicles
- Continuing increases in health insurance costs
- Phase 2 of Sparta School/Auditorium renovations
- Possible office renovations for Social Services
- Aging school buildings
- Years 3 and 4 of employee compensation plan
- Other issues to be discovered?



What Happens Next?

- ▶ 90 day period to absorb all this information
- ▶ Commissioners will next address the issue in February or March, 2018
- ▶ We want to hear from YOU!
 - ▶ Email manageralc@skybest.com
 - ▶ Comment box will be available on county website
 - ▶ Phone County Manager (336-372-4179) or one of the Commissioners
 - ▶ Write us at PO Box 366, Sparta, NC 28675
 - ▶ Watch a replay of this meeting via the usual sources
 - ▶ Copy of the plans open for review in County Manager's office
 - ▶ This presentation and plans will be posted on County website

